

J. Russell Farrar  
William N. Bates  
Kristin Ellis Berexa  
Teresa Reall Ricks  
Molly R. Cripps  
Mary Byrd Ferrara\*  
Robyn Beale Williams  
Jennifer Orr Locklin  
Keith F. Blue

\*Also licensed in KY

LAW OFFICES  
FARRAR & BATES, L.L.P.

211 Seventh Avenue North  
Suite 420  
Nashville, Tennessee 37219

Telephone 615-254-3060  
Facsimile 615-254-9835  
E-Mail [fbllaw@farrar-bates.com](mailto:fbllaw@farrar-bates.com)

Of Counsel

H. LaDon Baltimore

RECEIVED  
2005 AUG 26 PM 1:54

T.R.A. DOCKET ROOM

August 26, 2005

Honorable Ron Jones, Chairman  
Tennessee Regulatory Authority  
ATTN: Sharla Dillon, Dockets  
460 James Robertson Parkway  
Nashville, TN 37243-5015

**Via Hand Delivery**

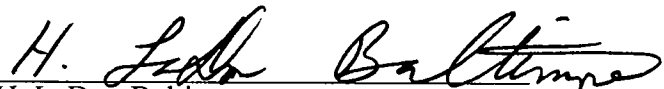
RE: Joint Petition for Arbitration of an Interconnection Agreement with BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the Communications Act of 1934, as Amended; Tennessee Regulatory Authority Docket No. 04-00046

Dear Chairman Jones:

NuVox Communications, Inc. and Xspedius Communications, Inc., ("Joint Petitioners"), through their undersigned counsel, file the enclosed original and 13 copies of the attached Georgia Public Service Commission Order denying the Motion of BellSouth Telecommunications, Inc. to move issues to the generic proceeding. This ruling supports the position of the Joint Petitioners.

Thank you for your assistance. If you have questions, please do not hesitate to contact me.

Respectfully submitted,



H. LaDon Baltimore  
Farrar & Bates, LLP  
211 Seventh Avenue North  
Suite 420  
Nashville, Tennessee 37219  
(615) 254-3060 (telephone)  
(615) 254-9835 (facsimile)  
[don.baltimore@farrar-bates.com](mailto:don.baltimore@farrar-bates.com)  
Counsel to NuVox Communications, Inc. and  
Xspedius Communications, Inc.

Honorable Ron Jones, Chairman  
August 26, 2005  
Page 2

**Certificate of Service**

The undersigned hereby certifies that on this the 26<sup>th</sup> day of August, 2005, a true and correct copy of the foregoing has been forwarded via electronic transmission to the following

Guy Hicks  
BellSouth Telecommunications, Inc.  
333 Commerce Street, Suite 2101  
Nashville, TN 37201  
[guy.hicks@bellsouth.com](mailto:guy.hicks@bellsouth.com)

  
H. LaDon Baltimore

COMMISSIONERS:  
ANGELA ELIZABETH SPEIR, CHAIRMAN  
ROBERT B. BAKER, JR.  
DAVID L. BURGESS  
H. DOUG EVERETT  
STAN WISE



RECEIVED

AUG 19 2005

DEBORAH K. FLANNAGAN  
EXECUTIVE DIRECTOR

EXECUTIVE SECRETARY  
**Georgia Public Service Commission**

REECE McALISTER  
EXECUTIVE SECRETARY

244 WASHINGTON STREET, S.W.  
ATLANTA, GEORGIA 30334-5701

(404) 656-4501  
(800) 282-5813

FAX: (404) 656-2341  
www.psc.state.ga.us

DOCKET# 18409

DOCUMENT# 85224

Docket No. 18409-U

In Re: Joint Petition for Arbitration of NewSouth Communications Corporation, et al of an Interconnection Agreement with BellSouth Telecommunications, Inc Pursuant to Section 252(b) of the Communications Act of 1934, as Amended.

**ORDER ON MOTION TO MOVE TRO ARBITRATION ISSUES TO GENERIC DOCKET**

**BellSouth Motion**

On June 30, 2005, BellSouth Telecommunications, Inc. ("BellSouth") filed with the Georgia Public Service Commission ("Commission") a Motion to Move TRO Arbitration Issues ("Motion") to Docket No. 19341-U (Generic Change of Law Proceeding). BellSouth asserted that Arbitration Issues 26, 36, 37, 38 and 51 were comparable to issues that were included in the Joint Issues List that was submitted and ultimately approved by the Commission. BellSouth contends that it would be a more efficient use of resources and the risk of inconsistent decisions would be eliminated if the Commission moved the issues from the arbitration docket to the generic proceeding. Finally, BellSouth argued that such action would be consistent with actions that the Commission has taken in prior arbitration proceedings.

**Joint Petitioner Response**

The Joint Petitioners filed its opposition to BellSouth's Motion on July 8, 2005. The Joint Petitioners argued that the granting of BellSouth's Motion would strip the Joint Petitioners of their rights to have the TRO-related Arbitration issues decided in the context of their section 252 arbitration, and require the Joint Petitioners to litigate the same issues twice against BellSouth. The Joint Petitioners further urge the Commission not to grant BellSouth's Motion because doing so would delay BellSouth's obligation to comply with the Triennial Review Order.

## Discussion

The Commission denies BellSouth's Motion. The issues have been presented in hearings and initial briefs have already been filed in this docket. Therefore, it does not appear that there are significant efficiencies to be gained by moving the issues from the arbitration docket to the generic proceeding. Moving the issues into the generic proceeding at this time may subject parties to unnecessary delay in implementing their rights via arbitrated interconnection agreements.

\* \* \* \* \*


**WHEREFORE, it is**

**ORDERED**, that BellSouth's Motion to Move Docket No. 18409-U Arbitration Issues 26, 36, 37, 38 and 51 into Generic Docket 19341-U is hereby denied.

**ORDERED FURTHER**, that a motion for reconsideration, rehearing or oral argument or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

**ORDERED FURTHER**, jurisdiction over this matter is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 2<sup>nd</sup> day of August, 2005.

  
REECE MCALISTER  
EXECUTIVE SECRETARY

8-17-05  
Date

  
ANGELA ELIZABETH SPEIR  
CHAIRMAN

8/19/05  
Date